

Message Text

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ACTION EB-07

INFO OCT-01 CIAE-00 COME-00 DODE-00 NSAE-00 TRSE-00 EUR-12

ERDA-05 ISO-00 MC-02 ACDA-05 /032 W

----- 115231

R 261743Z MAR 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 8982

INFO USMISSION OECD PARIS

C O N F I D E N T I A L BONN 05021

EXCON

E.O. 11652: GDS

TAGS: ESTC, COCOM, GW, US

SUBJECT: GERMAN EXPORTS REQUIRING US REEXPORT
AUTHORIZATION

REF: STATE 065253

1. EMBOFF CONVEYED US VIEWS ON THE BASF CASE AND THE INTENTION OF THE UNITED STATES TO RESERVE APPROVAL OF FUTURE BASF COCOM REQUESTS PENDING COMPLETION OF THE US LICENSING PROCESS TO DUECHTING IN ECONMIN. WHILE DUECHTING WAS NOT AWARE THAT THE BASF DISK DRIVES WERE MANUFACTURED IN THE UNITED STATES, HE WAS FAMILIAR WITH US REQUIREMENT FOR REEXPORT AUTHORIZATION IN SUCH CASES. HE PROMISED TO PASS OUR INFORMATION TO THE OTHER RELEVANT GERMAN MINISTRIES AND TO BASF OFFICIALS.

2. SPEAKING PERSONALLY, DUECHTING OBSERVED THAT THE US, BY MAINTAINING A REEXPORT AUTHORIZATION REQUIREMENT, WAS SUBVERTING THE AUTHORITY OF COCOM. AS LONG AS THE UNITED STATES WISHED TO PARTICIPATE IN THE DECISIONS OF A MULTINATIONAL BODY SUCH AS COCOM, DUECHTING THOUGHT THAT IT SHOULD RELY ON THE DECISIONS OF SUCH A BODY, AND NOT MAINTAIN A SEPARATE APPROVAL
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MECHANISM WHICH IN ESSENCE GIVES IT A VETO POWER IN ALL

CASES INVOLVING PRODUCTS WITH US INPUTS. REGARDING THE PARTICULAR CASE OF BASF, HE FELT THAT THE INVOCATION OF THE REEXPORT AUTHORIZATION REQUIREMENT AT THIS TIME WAS OF LITTLE PRACTICAL VALUE SINCE SEVERAL BASF PRODUCTS HAVE ALREADY BEEN EXPORTED WITH COCOM APPROVAL.

3. DUECHTING WAS NOT AWARE OF THE MODEL 3330 CASE NOR OF ANY US REQUIREMENT FOR PRIOR APPROVAL OF PRODUCT DEMONSTRATIONS IN COCOM PROSCRIBED COUNTRIES (CPCS). HE THOUGHT THAT THE SPECIAL COCOM PROVISIONS FOR "TEMPORARY EXPORTS" TO CPCS PROVIDES A MECHANISM FOR ENTRY OF PRODUCTS INTENDED FOR DEMONSTRATION.

4. EMBASSY IS PREPARED TO PASS ALONG TO DUECHTING ANY COMMENTS FROM WASHINGTON REGARDING THE RATIONALE FOR US INSISTENCE ON MAINTENANCE OF A SEPARATE REEXPORT AUTHORIZATION REQUIREMENT ALONGSIDE THE COCOM APPROVAL PROCEDURE.
HILLENBRAND

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: STRATEGIC TRADE CONTROLS, EXPORT LICENSES, REEXPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 26 MAR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GarlanWA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BONN05021
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750106-0974
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750315/aaaaaned.tel
Line Count: 81
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 STATE 065253
Review Action: RELEASED, APPROVED
Review Authority: GarlanWA
Review Comment: n/a
Review Content Flags:
Review Date: 19 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 MAY 2003 by GarlanWA>; APPROVED <02 JUN 2003 by GarlanWA>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GERMAN EXPORTS REQUIRING US REEXPORT AUTHORIZATION
TAGS: ESTC, GE, US, COCOM
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006